

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 12 MAY 2005

PCT WIPO PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/DK2005/000195

International filing date (day/month/year)
22.03.2005

Priority date (day/month/year)
31.03.2004

International Patent Classification (IPC) or both national classification and IPC
G01G19/387, G01G19/30, B07C5/18

Applicant
SCANVAEGT INTERNATIONAL A/S

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the International application
- ☐ Box No. VIII Certain observations on the International application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Ganci, P

Telephone No. +31 70 340-3384



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/DK2005/000195

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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International application No.
PCT/DK2005/000195

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-12
	No: Claims	
Inventive step (IS)	Yes: Claims	1-12
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations
see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: WO-A-9608322

2. The application does not meet the requirements of Article 6 PCT, because claims 1 and 10 are not clear.

2.1 The expression "...within a predetermined decision time period..." used in claims 1 and 10 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear, Article 6 PCT.

2.2 It is clear from the description on page 7, line 30 - page 8, line 1 that the following feature is essential to the definition of the invention:

(a) "...to **delay the decision** and calculate the best choice forsimultaneously to allocate both articles.....together into position....."

Since independent claims 1 and 10 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

3. NOVELTY

3.1 Document D1, which is considered to represent the most relevant state of the art, discloses a method for batching articles having different weights into a plurality of batches at a number of collection positions, wherein each completed batch comprises a plurality of articles and has a sum weight within a predetermined weight range, said

method including:

- providing a serial flow of articles on a conveyor;
- weighing each article in the flow and recording the weights of the articles;
- conveying the recorded articles to a batching section;
- allocating the recorded articles to a collection position within a predetermined decision time period;
- placing an allocated article in the predetermined collection position; and emptying a collection position when the predetermined sum weight is obtained (see abstract, fig. 1).

3.2 The subject-matter of claim 1 differs from document D1 in that comprises the step of:

- said allocation is performed on the basis of the weight of the recorded articles that are not yet positioned in one of the collection positions, and the content of the predetermined collection position.

3.3 Therefore, the subject-matter of claim 1 is new and meets the requirements of Article 33(2) PCT.

3.4 The same arguments apply to the corresponding apparatus claim 10, which also meets the requirements of Article 33(2) PCT.

4. INVENTIVE STEP

4.1 The subject-matter of claims 1 and 10 is not disclosed or suggested by document D1, therefore the subject-matter of claims 1 and 10 meet the requirement of Art. 33 (3) PCT.

4.2 Claims 2-9,11-12 are dependent claims and thus meet the requirements of Art. 33 (3) PCT.

5. INDUSTRIAL APPLICABILITY

5.1 The subject-matter of independent claims 1 and 10 and the subject-matter of the dependent claims 2-9,11-12 meet the requirement of Art. 33(4) PCT.

**WRITTEN OPINION OF THE
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AUTHORITY (SEPARATE SHEET)**

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